

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SEAN A. RIKER,

Plaintiff,

v.

GOVERNOR TONY EVERS,

Defendant.

ORDER

Case No. 21-cv-756-jdp

Plaintiff Sean A. Riker has filed a proposed civil complaint but has neither paid the filing fee nor requested leave to proceed without prepayment. For this case to proceed, plaintiff must pay the \$402 filing fee¹ or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than December 21, 2021.

A motion for leave to proceed without prepayment of the filing fee must be accompanied by a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the date of the complaint. 28 U.S.C. § 1915(a)(2). If I find that plaintiff is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

With the complaint, plaintiff also filed a motion to use release account funds to pay the entire fee for filing this case. (Dkt. #3). However, with the exception of initial partial payments, federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. Plaintiff cannot use the

¹ Effective December 1, 2020, the total fee for filing a civil action is \$402 (the \$350 statutory fee plus the \$52 miscellaneous administrative fee).

release account funds to pay the entire balance of the filing fee, and so plaintiff's motion will be denied.

ORDER

IT IS ORDERED that,

1. Plaintiff Sean A. Riker may have until December 21, 2021 to submit the \$402 filing fee or a motion for leave to proceed without prepayment and a trust fund account statement for the period beginning approximately May 30, 2020 and ending approximately November 30, 2021. If, by December 21, 2021, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.
2. Plaintiff's motion for use of release account funds to pay the entire filing fee in this case (Dkt. #3) is DENIED.
3. Plaintiff's motion to correct caption error in this case (Dkt. #3) is DENIED AS MOOT.

The case caption already reflects the correct caption.

Entered this 12th day of August, 2021.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge

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**PRISONER REQUEST TO PROCEED IN DISTRICT COURT
WITHOUT PREPAYING THE FULL FILING FEE**

Answer the following questions to the best of your ability.

Note: If you do not tell the truth, the court may dismiss your lawsuit.

I. Personal Information

1) Your name: _____

(a) State the place of your incarceration and provide your prisoner identification number:

_____ (place) _____ (number)

(b) Are you employed at the institution? ☐ Yes ☐ No

(c) Do you receive any payment from the institution? ☐ Yes ☐ No

Attach a printout of your prison trust account statement showing transactions for the six-month period immediately preceding the filing of this request and showing the current balance of your account.

2) Do you have any dependents that you are responsible for supporting?

☐ Yes ☐ No

If "yes," list them below.

<u>Name or initials (for minor children only)</u>	<u>Relationship to You</u>	<u>Age</u>	<u>Amount of Support Provided per Month</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

II. Property or Assets: - If you are married, your answers must *include your spouse's property*.

1) Do you own a car?

☐ Yes ☐ No

If "yes," list the car(s) below:

<u>Make and Model</u>	<u>Year</u>	<u>Approximate Current Value</u>
_____	_____	\$ _____
_____	_____	\$ _____

2) Do you own your home(s)? ☐ Yes ☐ No

If "Yes," state the approximate value(s). \$ _____

What is the amount of equity (assessed value of residence minus outstanding mortgage balance) in the home(s)? \$ _____

3) Do you have any cash or checking, savings, or other similar accounts?

☐ Yes ☐ No

If "Yes," state the total of such sums. \$ _____

4) Do you own any other property of value, such as real estate, stocks, bonds, trusts, or individual retirement accounts (e.g., IRA, 401 k), artwork, or jewelry?

☐ Yes ☐ No

If "Yes," describe the property and the approximate value(s).

III. Litigation History

For each federal lawsuit that you recall having filed, list as much of the following information that you remember about each case: The name of the case (that is, the plaintiffs and the defendants), the case number or year of filing, and the federal district in which you filed the case. Use more paper if needed.

Case Name (Plaintiffs and defendants)	Case number (or year of filing)	Federal district
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

IV. Other Circumstances - Describe any other financial circumstance(s) that you would like the court to consider when reviewing this petition.

I, _____, declare that I am the plaintiff bringing this complaint. I declare that I am unable to prepay the full filing fee and that I am entitled to the relief sought in the complaint.

Date

Signature - Signed Under Penalty of Perjury